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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/099,996	03/19/2002	Toshiaki Okabe	06753.502	5630

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EXAMINER

NGUYEN, TRUC T

ART UNIT PAPER NUMBER

2833

DATE MAILED: 11/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/099,996

Applicant(s)

OKABE ET AL.

Examiner

Truc T. T. Nguyen

Art Unit

2833

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 5-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2, 6, 13, 14, 18, 19, 21 and 22 is/are allowed.
- 6) ☒ Claim(s) 1, 5, 7, 9, 12, 15-17 and 20 is/are rejected.
- 7) ☒ Claim(s) 8, 10 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 5, 9, 12 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Okabe et al. (US 6,309,232).

Regarding claim 1, Okabe et al. disclose a lever fitting type connector comprising:

a first connector (21);

a second connector (22) fitted to the first connector;

a lever (24) interposed between the first connector and the second connector and

converting an operation force applied to an operation portion (24B) into a fitting force between the first connector and the second connector;

wherein the lever is rotatably pivoted on the first connector, and

an engagement portion (30a, 36, 37) is provided on the second connector;

Art Unit: 2833

a standing mechanism (30) provided between the lever and the second connector; and the standing mechanism standing the lever when temporarily fitting the first connector to the second connector (see Figures 3-4);

wherein the first connector and the second connector are regularly fixed to each other by applying an operation force to the operation portion (24B) in a standing state of the lever.

Regarding claim 5, Okabe et al. disclose the standing mechanism comprises a first engagement portion (30) provided on the lever; and a second engagement (30a, 36, 37) provided on the second connector and engaged with the first engagement portion.

Regarding claim 9, Okabe et al. disclose the lever (24) rotates and stands up about a pivot portion (27).

Regarding claim 12, Okabe et al. disclose the engagement portion is thinner than the first connector (see Figure 1).

Regarding claim 15, Okabe et al. disclose prior to temporarily fitting of the first connector to the second connector the standing mechanism does not stand the lever, and after temporarily fitting of the first connector to the second connector the standing mechanism also does not stand the lever (see Figure 4).

3. Claims 7 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Okabe (US 6,086,392).

Regarding claim 7, Okabe discloses a lever fitting type connector comprising:

a first connector (25);

a second connector (23) fitted to the first connector; and

a lever (26) interposed between the first connector and the second connector, the lever converting an operation force applied to an operation portion (37) into a fitting force between the first connector and the second connector;

wherein the lever is outwardly fitted to the first connector, an engagement portion (28) on the second connector engages the lever, and the engagement portion is thinner than the first connector (see Figure 1).

Regarding claim 20, Okabe discloses the first connector is configured such that the lever may be resersibly fitted to the first connector (since the pivotal point 328a, 32 is in the center of the connector body, see Figure 1).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okabe et al. (US 6,309,232) in view of Okabe (US 6,086,392).

Regarding claim 16, Okabe'232 substantially disclose the claimed invention except for the lever is pivot on a central portion.

Okabe'392 teaches a lever (26) is pivot on a central portion of connector body (25).

Art Unit: 2833

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the lever to be pivot on a central portion of Okabe'232 connector, as taught by Okabe'392 for stabilizing the connector during mating insertion.

Regarding claim 17, Okabe'232 substantially disclose the claimed invention except for the lever may be resersibly mounted on the first connector.

Okabe'392 teach the lever (26) is reversible due to the central position of the pivot point.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the lever to be reversible on Okabe'232 connector body, as taught by Okabe'392 for conveniently reverse in order to adapt with an operator who is in favor of using left hand or right hand to operate the lever during mating insertion.

Response to Arguments

6. Applicant's arguments filed on 8/13/2003 have been fully considered but they are not persuasive. Because:

a) in response to applicant's argument, remark 1 on page 9, that Okabe does not disclose the standing mechanism portions "standing the lever". The examiner respectfully disagrees. Although the prior art (Okabe'232) does not specifically disclose the mechanism portion "standing the lever" as claimed by the applicant, this feature is seen to be an inherent teaching of that device since a means (30a, 36, 37) for abutting the engagement portion (30) and keep the lever in non-horizontal or resting position (see Figure3). This non-horizontal position or resting of the lever is adequate to be interpreted as a "standing" position.

Art Unit: 2833

b) in response to applicant's argument, remarks 2 and 6 on pages 9 and 10. The examiner disagrees about this issue. However, the examiner found that the prior art fails to teach the lever is on the first connector with a hood portion, and a second connector is fitted within the hood portion.

c) in response to applicant's argument, remark 7 on page 10. The examiner disagrees, claims 7 and its dependent are new claims and has been reject on a new reference (US 6,086,392).

Allowable Subject Matter

7. Claims 2, 6, 13-14, 18-19 and 21-22 are allowed, and the reason for allowance is:

The prior art fails to teach the lever is on the first connector with a hood portion, and a second connector is fitted within the hood portion.

8. Claims 8, and 10-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 8, the prior art of record fails to teach the first connector engages the second engagement when the first connector is fitted to the second connector.

Regarding claim 10, the prior art of record fails to teach a plurality of engagement portions are provided on the second connector and are disposed substantially symmetrically about the supporting engagement portion.

Art Unit: 2833

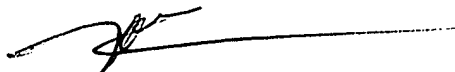
Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T. T. Nguyen whose telephone number is 703-306-4004. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on 703-308-2319. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.


T. Nguyen
October 27, 2003